(i) BearingPoint Tests

79. Each state commission in this joint application retained BearingPoint to perform a third-party test of SBC's OSS.[305] Although each state commission oversaw its own BearingPoint test, we determine that it is appropriate to consider the findings of the tests together because BearingPoint reviewed the same subject matter and the same OSS,[306] and conducted its tests in an identical fashion across the four states.[307] For example, the MTP for each state was developed through a collaborative process involving state commission staff, BearingPoint, SBC, competitive LECs, and other interested parties.[308] BearingPoint tested five domains of OSS functionality (pre-order and order, provisioning, maintenance and repair, billing, and relationship management and infrastructure) across three different test families in the four states. The first, Transaction Verification and Validation (TVV), consisted of transaction-based tests and the second, Processes and Procedures Review (PPR), reviewed SBC's wholesale business processes and management practices. BearingPoint completed tests of both of these families in all four states. As described below, BearingPoint has not completed its test of the third family, PMR.

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[305] Together with SBC, the state commissions of Illinois, Indiana, and Wisconsin retained BearingPoint in May 2000 to design a Master Test Plan (MTP) and conduct a third-party test of the commercial readiness of SBC's OSS interfaces, documentation, and processes. *See* SBC Application, App. A, Vol. 2, Tab 11, Affidavit of Mark J. Cottrell and Beth Lawson (SBC Cottrell/Lawson Aff.), Attach. A (BearingPoint's Third Party OSS Test for Illinois Bell) at para. 2; SBC Application, App. M, Vol. 31, Tab 165-Part A (BearingPoint's Indiana Bell Interim OSS and Performance Measurement Status Report) at 7; SBC Cottrell/Lawson Aff., Attach. D (BearingPoint's Third Party OSS Test for Wisconsin Bell), at para. 2. On June 1, 2000, the Ohio Commission and SBC retained BearingPoint as that state's third-party test administrator. Ohio Commission Comments at 3.

[306] For these same reasons, we also determine that it is appropriate to apply our analysis of the BearingPoint test in the *SBC Michigan II Order* to the instant joint application. *See, e.g.*, SBC Sept. 12 *Ex Parte* Letter, Attach. A at 1; SBC Application Reply App., Vol. 1a, Tab 3, Reply Affidavit of Justin W. Brown, Mark J. Cottrell, and Beth Lawson (SBC Brown/Cottrell/Lawson Reply Aff.) at para. 7 (indicating that, with minor differences, BearingPoint's tests developed in all five of the Midwest states are very similar). We discuss the E &Y test below. *See* paras. 86-87 *infra*.

[307] In its reply, SBC notes that the MTPs developed in all five of the Midwest states are very similar "with only minor differences resulting from state-specific issues, such as testing line splitting/line sharing orders in Illinois and Michigan. . . ." SBC Brown/Cottrell/Lawson Reply Aff. at para. 7. We determine that these minor differences among the BearingPoint tests do not affect the results of these tests. For example, unlike the Illinois, Indiana, and Ohio commissions, which permitted BearingPoint to use regional samples in its testing, the Wisconsin Commission required BearingPoint to test state-specific data samples. *See* SBC Application App. A, Vol. 8, Tab 22, Affidavit of James D. Ehr and Salvatore T. Fioretti (Ehr/Fioretti Aff.) at para. 57. Despite this difference, we agree with SBC that it is reasonable to conclude that the individual state test scores will be nearly identical for most of the OSS tests (assuming the results are viewed at the same time) because SBC's reporting processes and systems are largely common to all of its Midwest states. *Id.* Indeed, as SBC notes, the BearingPoint results for its Performance Metrics Review (PMR) tests in Ohio and Wisconsin are identical. *Id.*

[308] *See* SBC Cottrell/Lawson Aff., Attach. A at para. 2; SBC Cottrell/Lawson Aff., Attach. B (BearingPoint's Third Party OSS Test for Indiana Bell) at para. 2; SBC Cottrell/Lawson Aff., Attach. C (BearingPoint's Third Party OSS Test for Ohio Bell) at para. 2; SBC Cottrell/Lawson Aff., Attach. D at para. 2.

80. As noted in our *SBC Michigan II Order*, BearingPoint's testing for the four states was analogous to that previously considered and relied upon by the Commission in various states served by Verizon and BellSouth.[309] Specifically, BearingPoint used a "test until pass" approach[310] and took certain steps to maintain the blindness and independence of the testing process. Among other things, BearingPoint and Hewlett-Packard Consulting, which BearingPoint employed to serve as a pseudo-competitive LEC, relied on SBC's published documentation to establish a wholesale account relationship and build system interfaces that interact with SBC's OSS. In addition, the pseudo-competitive LEC serviced customers (which it obtained from SBC and competitive LECs) by submitting orders, receiving bills, and conducting maintenance and repair activities.[311] Moreover, competitive LECs provided live test cases, allowing BearingPoint to test additional aspects of SBC's systems.[312] BearingPoint also held weekly conferences with competitive LECs and state commission staff to discuss areas of concern about the tests and provide updates on the tests' progress.[313]

81. During May through June 2003, BearingPoint filed reports with the four state commissions that provided updates on its testing.[314] In Illinois, BearingPoint found that SBC satisfied over 95 percent of the 496 evaluation criteria.[315] Similarly, in Indiana and Ohio, BearingPoint determined that SBC satisfied over 95 percent of the 502 evaluation criteria tested in those states.[316] Finally, in Wisconsin, BearingPoint found that SBC satisfied over 95 percent of the 498 evaluation criteria.[317] As we did in our *SBC Michigan II Order*, we determine that BearingPoint's results constitute important evidence that SBC is providing nondiscriminatory access to its OSS.[318]

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[309] *SBC Michigan II Order* at para. 15 (citing *Bell Atlantic New York Order* and *BellSouth Georgia/Louisiana Order*) (further citations omitted).

[310] The "test until pass" or military-style test means that when situations arose where testing revealed that a BOC process, document, or system did not meet expectations, the BOC would respond by providing a clarification or describing its intended fix and BearingPoint would perform a retest as required. *See, e.g., Bell Atlantic New York Order*, 15 FCC Rcd at 3998, para. 98; *Verizon Massachusetts Order*, 16 FCC Rcd at 9011-12, para. 45.

[311] *See, e.g.*, BearingPoint's Indiana Bell Interim OSS and Performance Measurement Status Report at 8.

[312] *See, e.g.*, SBC Cottrell/Lawson Aff., Attach. A at para. 11.

[313] *Id.* at 4. Furthermore, state commission staff randomly monitored telephone calls between BearingPoint and SBC. *Id.*

[314] BearingPoint filed its most recent Metrics Update Report for Indiana on May 12, 2003 (revised on May 13, 2003); Illinois on June 2, 2003; and Ohio and Wisconsin on June 30, 2003. SBC Ehr/Fioretti Aff. at para. 32.

[315] SBC Cottrell/Lawson Aff., Attach. A at para. 1.

[316] SBC Cottrell/Lawson Aff., Attach. B at para. 1; SBC Cottrell/Lawson Aff., Attach. C at para. 1.

[317] SBC Cottrell/Lawson Aff., Attach. D at para. 1.

[318] *SBC Michigan II Order* at para. 58.

82. As was the case in Michigan, BearingPoint has not completed three of five PMR test areas: PMR 1 (Data Collection and Storage Verification and Validation Review); PMR 4 (Metrics Data Integrity Verification and Validation Review); and PMR 5 (Metrics Calculations and Reporting Verification and Validation Review).[319] We describe the open issues in these tests below and conclude, as we have previously in our *SBC Michigan II Order* and as did three of the four state commissions, that SBC's performance data are accurate and reliable.[320] Since filing its joint application, BearingPoint filed a metrics update with all SBC Midwest state commissions. Importantly, these reports show improvement in BearingPoint's testing results while providing no indication of any notable issue affecting data integrity.[321]

83. *PMR 1.* This test evaluates SBC's data collection and storage policies and practices.[322] As of June 30, 2003, BearingPoint's PMR 1 test had three open exceptions,[323] which

[319] BearingPoint's testing of PMR 2 (Metrics Definitions and Standards) and PMR 3 (Performance Measurement Change Management) is completed and all of the evaluation criteria (*i.e.*, test points) in these two test areas were satisfied. *See* SBC Application Reply App., Vol. 3, Tab 9, Reply Affidavit of James D. Ehr and Salvatore T. Fioretti (SBC Ehr/Fioretti Reply Aff.) Attach. A at 5 (Illinois OSS Evaluation Project Report Metrics Update, filed August 1, 2003).

[320] The four state commissions have approached the incomplete BearingPoint PMR test in different ways. For example, the Ohio Commission concluded that SBC satisfied all OSS-related checklist requirements. Ohio Commission Comments, App. A at 19. According to the Ohio Commission, its recently issued Compliance Order, which allows for financial sanctions, will ensure that BearingPoint's PMR test is completed in a timely manner and SBC will honor its commitments for resolving all pending TVV and PMR criteria. *Id.* Similarly, based on the totality of the evidence before it, the Illinois Commission found that SBC's commercial performance data are sufficiently reliable. Illinois Commission Comments at 16. Specifically, the Illinois Commission considered the BearingPoint Interim PM Report, the Ernst & Young Performance Measurement Examination, the availability of raw performance data to competitive LECs, SBC's internal and external data controls, collaborative metric workshops, and the adoption of a process to ensure the completion of the BearingPoint test. *Id.* at 20-22. The Wisconsin Commission found that the overall BearingPoint test results support SBC's claim that its OSS satisfy section 271 standards and the unfinished status of the test does not compel a finding of non-compliance. *See Wisconsin Commission Phase II Order* at 16. Like the Ohio and Illinois commissions, the Wisconsin Commission established procedures to ensure that SBC completes this test. *Id.* at 17-18 (explaining that, among other things, it will monitor SBC's performance data and compliance, and has established an expedited dispute resolution process for OSS issues). The Indiana Commission, however, stated that it was unable to determine whether SBC provides nondiscriminatory access for those performance measures, products, and services where there is no retail analogue. Indiana Commission Comments at 144. The Indiana Commission thus deferred its analysis of the commercial results for checklist item 2 to the Commission. *See, e.g., id.* at 149. Because we determine that we may rely on SBC's reported commercial data, we find that SBC's commercial performance, as described below, demonstrates its compliance with this aspect of checklist item 2.

[321] *See* SBC Ehr/Fioretti Reply Aff. at para. 8 & n.8. *See also id.*, Illinois OSS Evaluation Project Report Metrics Update. Specifically, according to BearingPoint, as of August 1, 2003, BearingPoint's testing demonstrated that SBC satisfied approximately 64% of the PMR 1 evaluation criteria, over 32% of the PMR 4 criteria (with 60% of the criteria being "indeterminate"), and almost 58% of the PMR 5 evaluation criteria (with almost 18% of the criteria listed as indeterminate). *Id.* at 5.

[322] SBC Ehr/Fioretti Aff. at para. 67.

are identical to those BearingPoint identified in the *SBC Michigan II* proceeding: 186 (concerning SBC's data retention policies), 187, and 188 (both of which relate to technical documentation).[324] As we determined in the *SBC Michigan II Order*, SBC has taken appropriate corrective actions to address these exceptions and, more importantly, these exceptions do not call into question SBC's ability to process and calculate its data accurately and reliably.[325]

84. *PMR 4.* This test evaluates SBC's policies and practices for processing data used in the production of the reported performance results.[326] In the *SBC Michigan II Order*, we addressed one of the two open exceptions currently before us: Exception 181, which identifies a discrepancy found in Illinois, Indiana and Wisconsin between SBC's source systems and its processed records for the performance metric PM 104.1.[327] We note that the second exception open in the instant application, Exception 182, is the identical issue but applicable to Wisconsin only.[328] As explained above, the Wisconsin Commission required BearingPoint to test state-specific data; however, since SBC's systems are nearly identical across its Midwest region, we would expect that BearingPoint's exceptions for PMR 4 would be the same across the four states.[329] Thus, we will treat these two exceptions as one for purposes of our analysis.[330] For the reasons provided in the *SBC Michigan II Order*, we conclude that this BearingPoint test result does not bar a finding that SBC's data are accurate and reliable.[331] Most notably, SBC has demonstrated that it has taken remedial actions related to this exception,[332] the problem had no

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[323] BearingPoint will create an exception after determining that a test indicates that one of SBC's practices, policies, or system characteristics did not satisfy one or more of the evaluation criteria defined for the test. *See e.g.*, BearingPoint's Indiana Bell Interim OSS and Performance Measurement Status Report at 9. The exception will remain open until either the issue is resolved through retesting activities, BearingPoint determines that further action is not warranted or possible, or the state commission specifically exempts the exception from further testing. *Id.*

[324] SBC Ehr/Fioretti Aff. at para. 69.

[325] *SBC Michigan II Order* at paras. 29-31.

[326] SBC Ehr/Fioretti Aff. at para. 98.

[327] This metric measures the average time it takes to unlock the 911 record to allow the record to be claimed by the competitive LEC. *See* SBC/Ameritech Performance Measurement User Guide, Version 1.9, at 159.

[328] *See* SBC Ehr/Fioretti Aff. at para. 58, n.23.

[329] *See* n.307, *supra.*

[330] *See* SBC Sept. 12 *Ex Parte* Letter, Attach. A at 2 & n.3 (indicating that these exceptions reflect the same BearingPoint finding).

[331] *SBC Michigan II Order* at para. 33.

[332] *See* SBC Ehr/Fioretti Aff. at paras. 109-10 (describing SBC's corrective actions beginning in 2002 and explaining that this discrepancy was identified by E&Y's audit). Among other things, SBC implemented process changes both to ensure that manually unlocked numbers were included in its performance results and to improve the match rate between 911 unlock and SOC records. *Id; see also SBC Michigan II Order* at para. 33.

material impact on the reported measurements that are the subject of this application,[333] and no commenter has disputed SBC's performance in this regard.

85. *PMR 5.* This test evaluates SBC's processes to calculate state-specific performance results.[334] Within PMR 5, there are four test criteria, one of which has been completely satisfied.[335] Of the remaining three, the first (PMR 5-2) tests whether BearingPoint can independently replicate SBC's performance results using SBC's unfiltered data.[336] As in Michigan, we agree with SBC that BearingPoint's inability to replicate (*i.e.*, "match") several of SBC's performance measures has no material effect on the March-July 2003 performance data on which SBC relies.[337] BearingPoint identified two exceptions in the PMR 5-3 test criterion, which tests whether SBC is calculating each state's results consistent with that state's business rules.[338] SBC explains that it has fully addressed the issues raised in both exceptions, Exceptions 111 and 113, which, as was the case in the *SBC Michigan II Order*, no commenter disputes.[339] Therefore, we find that the open status of these exceptions does not affect our determination that SBC's data are reliable.

(ii) E&Y Test

86. In addition to the BearingPoint tests, in October 2002, SBC requested E&Y to expand its audit of Michigan Bell's compliance with the business rules to include the other SBC Midwest states.[340] As in Michigan, E&Y evaluated whether SBC's performance results were calculated and reported accurately and in compliance with the business rules in the four states at

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[333] SBC Ehr/Fioretti Aff. at para. 109.

[334] SBC Ehr/Fioretti Aff. at para. 114.

[335] SBC Ehr/Fioretti Aff. at paras. 115, 121 (explaining that there are no open issues in PMR 5-1, which tests whether SBC reports its performance measure disaggregations consistent with the business rules).

[336] SBC Ehr/Fioretti Aff. at para. 115.

[337] *SBC Michigan II Order* at paras. 35-39. *See also* SBC Ehr/Fioretti Aff. at paras. 139-42. Finally, using E&Y's 5% materiality standard, described above in note 303, SBC notes that its four-state match rate is 95.6 percent. SBC Ehr/Fioretti Aff. at 139.

[338] SBC Ehr/Fioretti Aff. at 139. We note that BearingPoint has issued no exceptions in PMR 5-4, which tests whether SBC excludes data in accordance with each state commission's business rules. *Id.* We further note that no commenter has raised any concerns regarding SBC's performance in this area.

[339] SBC Ehr/Fioretti Aff. at para. 128; *see also SBC Michigan II Order* at para. 39. Exception 111 concerns SBC's treatment of "no access" and "delayed maintenance" for PM 66 through PM 68 and Exception 113 relates to the proper interpretation of the business rules for PM 2, which calculates the speed of responses to pre-order inquiries. SBC Ehr/Fioretti Aff. at para. 128.

[340] SBC Ehr/Fioretti Aff. at para. 18 (noting that each BOC applicant retained E&Y to perform a "substantially identical performance measurement audit for its respective performance measurements").

issue in the application.[341] In its analysis, E&Y reviewed all 150 performance measures approved by the state commissions and in effect for the three months of its audit.[342] As we noted in the *SBC Michigan II Order*, E&Y's audit included parts of BearingPoint's ongoing metrics review, PMR 1 and PMR 3, and all of PMR 4 and PMR 5.[343] In each state, E&Y issued reports concerning SBC's compliance with its business rules and state business rules, SBC's controls to produce accurate and complete performance measurements, and E&Y's testing methodology.[344] Like in Michigan, on April 16, 2003, E&Y issued its final opinion that all instances of material noncompliance previously identified by E&Y in earlier reports have been corrected or do not require corrective action.[345]

87. For the same reasons as provided in our *SBC Michigan II Order*, we conclude that SBC's data are accurate and reliable and we can substantially rely on the E&Y audits to support these findings. As noted previously, the Commission has relied on identical or similar audits in approving SBC's Michigan, Missouri, California and Texas applications.[346] Since we find that the parties raise no new objections with respect to E&Y's audits in the instant joint application than were raised in the *SBC Michigan II* proceeding, we reject parties' arguments about the inadequacies of the E&Y audits.[347] Similarly, we again find no merit in the argument that since BearingPoint's test continues, we cannot fully credit E&Y's findings.[348] We have considered and

[341] *See SBC Michigan II Order* at paras. 17-18; *see also* SBC Application, App. C-OH, Tab 106 at 275 (Ernst & Young, SBC Ohio 271 Performance Measurement Examination, Supplemental Report at 1 (dated Jan. 13, 2003)).

[342] SBC Ehr/Fioretti Aff. at para. 19. Because E&Y reviewed all metrics in effect in the application states, SBC states that these audits were "substantially more comprehensive than the audit E&Y performed in Missouri," which the Commission considered in the *SBC Arkansas/Missouri Order*. *Id.*

[343] *See SBC Michigan II Order* at para. 17.

[344] SBC Ehr/Fioretti Aff. at paras. 20-21.

[345] SBC Ehr/Fioretti Aff. at para. 22. *See also SBC Michigan II Order* at para. 18. E&Y defined "material noncompliance" as when an exception has greater than a plus or minus five percent impact on the reported performance measure or if parity/benchmark result is affected. *See* Ernst & Young, SBC Ohio 271 Performance Measurement Examination, Supplemental Report at 6.

[346] *See SBC Michigan II Order* at para. 21.

[347] *See* AT&T Comments at 69-80; IUCC Comments at 12; OCC at 12-13. We also reject commenters' allegations concerning E&Y's objectivity. *See also* AT&T Comments, Declaration of Karen W. Moore and Timothy M. Connelly (AT&T Moore/Connelly Decl.) at paras. 32-33. Again, for reasons set forth in our *SBC Michigan II Order*, we are satisfied with E&Y's independence. *SBC Michigan II Order* at para. 22. *See also* Illinois Commission Comments at 18 (concluding that E&Y is objective); SBC Application, App. C-IL, Tab 135 at para. 2939 (Illinois Commission Order on Investigation, May 13, 2003).

[348] *See, e.g.*, IUCC Comments at 8-11; OCC Comments at 5-8. We also disagree that SBC's joint application is premature because of the ongoing nature of BearingPoint's tests. *See e.g.*, AT&T Comments at 10; MCI Comments at 14; TDS Metrocom Comments at 5-6. As explained in our *SBC Michigan II Order*, the Commission has never required that all third-party tests be completed when the BOC files its section 271 application in order for the (continued....)

rejected the same assertion in our *SBC Michigan II Order* and similarly we find it is appropriate to do so here.[349]

b. Pre-Ordering

88. SBC Midwest's OSS, including its pre-ordering interfaces, is essentially the same in each of the application states as that which we recently approved in the *SBC Michigan II Order*.[350] Consistent with our determination in the *SBC Michigan II Order* and the findings of the state commissions, we find that SBC provides carriers in Illinois, Indiana, Ohio, and Wisconsin with nondiscriminatory access to all pre-ordering functions.[351] In this section, we describe SBC's pre-ordering systems, address their performance, and reject commenters' criticisms regarding the availability of SBC's pre-ordering interfaces and the accuracy of its loop qualification database.

89. Competing carriers have access to three principal electronic interfaces, including Enhanced Verigate, which is a graphical user interface, as well as EDI and CORBA, which are application-to-application interfaces.[352] Enhanced Verigate is launched from the web-based SBC Toolbar platform that operates with Windows and provides competitive LECs with plain English access to pre-ordering functions available from SBC Midwest's legacy systems.[353] While EDI and CORBA are different protocols and allow competitive LECs to select which format they wish to use in their pre-ordering interfaces, they provide access to the same pre-ordering functionality.[354] Competing carriers are able to use any of the three interfaces to perform all of the key functions identified in prior section 271 orders.[355] The performance data show that SBC

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Commission to determine that the BOC has satisfied its section 271 obligations. *See SBC Michigan II Order* at 23 (citing *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9028-29, para. 17).

[349] *See SBC Michigan II Order* at para. 23.

[350] *See SBC Michigan II Order*, para. 59; SBC Application at 56.

[351] *See SBC Michigan II Order*, para. 59; Illinois Commission Comments at 79; Ohio Commission Comments at 147; Wisconsin Commission Comments at 1. We note that the Indiana Commission deferred the determination of whether SBC is in compliance with checklist item 2 to the Commission. Indiana Commission Comments at 17-18.

[352] SBC Cottrell/Lawson Aff. at paras. 56, 59.

[353] SBC Cottrell/Lawson Aff. at para. 59. The term SBC Midwest refers collectively to the five state local exchange carrier operations of Illinois Bell Telephone Company (Illinois Bell); Indiana Bell Telephone Company, Incorporated (Indiana Bell); Michigan Bell Telephone Company (Michigan Bell); The Ohio Bell Telephone Company (Ohio Bell); and Wisconsin Bell, Inc (Wisconsin Bell). SBC Cottrell/Lawson Aff. at para. 1 n.1.

[354] SBC Cottrell/Lawson Aff. at para. 55.

[355] *See, e.g., SBC California Order*, 17 FCC Rcd at 25690, para. 81; *SWBT Texas Order*, 15 FCC Rcd at 18427, para. 209. SBC's pre-ordering systems allow carriers to perform functions required by our section 271 orders as well as several additional functions. SBC's pre-ordering systems include the ability for carriers to inquire regarding: (1) address validation; (2) customer service information (CSI); (3) telephone number (TN) reservation and cancellation of a TN reservation; (4) common language location identifier codes (CLLI); (4) connection facility assignments (CFA); (5) directory listings; (6) feature/service availability; (7) primary interexchange carrier (continued....)

typically meets every benchmark or retail analogue, providing persuasive evidence that competitors have equivalent access to SBC's pre-ordering databases in the four states.[356]

90. We also conclude that SBC provides competitive LECs with the information necessary to integrate their pre-ordering and ordering systems. Specifically, SBC's three pre-ordering interfaces provide "parsed" customer service information pursuant to the guidelines of the ordering and billing form (OBF) – that is, information divided into identifiable fields.[357] As the Commission previously has held, a BOC's provision of pre-ordering information in a parsed format is a strong indicator that competitive LECs can integrate SBC's systems.[358] In addition to offering customer service record information in parsed form, SBC offers competitive LECs synchronization of all data fields of its pre-ordering and ordering interfaces.[359]

91. *Pre-Ordering Interface Availability.* We reject CIMCO's allegation that SBC's pre-ordering process, in particular SBC's implementation of LSOG 5, deprives CIMCO of a meaningful ability to compete with SBC.[360] According to CIMCO, under SBC's LSOG 5, SBC requires a more cumbersome two-step manual/auto process for complex orders, compared to the one-step automated ordering process formerly available under LSOG 4.[361] Specifically, CIMCO states that under LSOG 4, CIMCO was able to submit a one-step order to SBC that contained placeholders for the various elements of the order (*i.e.*, telephone number, trunk group number, circuit ID, route index, station numbers).[362] Under LSOG 5, CIMCO states that SBC removed

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(PIC)/local primary interLATA Carrier (LPIC); (8) loop pre-qualification; (9) loop qualification; (10) network channel (NC)/network channel interface (NCI) validation; (11) pending order status; (12) provisioning order status; (13) scheduling – both dispatches and due dates, (14) TN confirmation; (15) remote access to call forwarding (RACF); and (16) pooled TNs. SBC Cottrell/Lawson Aff. at para. 54.

[356] *See, e.g.*, SBC Application App. A, Vol. 4, Tab 18, Affidavit of James D. Ehr Regarding Illinois (SBC Ehr Illinois Aff.); SBC Application App. A, Vol. 5, Tab 19, Affidavit of James D. Ehr Regarding Indiana (SBC Ehr Indiana Aff.); SBC Application App. A, Vol. 6, Tab 20, Affidavit of James D. Ehr Regarding Ohio (SBC Ehr Ohio Aff.); SBC Application App. A, Vol. 7, Tab 21, Affidavit of James D. Ehr Regarding Wisconsin (SBC Ehr Wisconsin Aff); Appendices B-E. SBC has submitted actual commercial data for almost 125 submeasures relating to the timeliness, accuracy, and availability of SBC's pre-ordering systems. With almost no exceptions, SBC satisfies all applicable metrics in the PM 1, PM 2, PM 4, and PM 10 families – which measure timeliness of responses to pre-order queries, the availability of pre-ordering databases, and the incidence of "time out" transactions – in all five relevant months.

[357] SBC Cottrell/Lawson Aff. at paras. 63-64.

[358] *See SBC California Order*, 17 FCC Rcd at 25690-91, para. 82; *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9078, para. 120.

[359] SBC Cottrell/Lawson Aff. at para 64.

[360] CIMCO Comments at 3-6.

[361] CIMCO Comments at 3.

[362] CIMCO Comments at 4.

the placeholder functionality, resulting in a two-step manual/auto process for ordering, which has approximately doubled the turn-around time as compared to LSOG 4.[363] In addition, CIMCO argues that it should not have to fax manual pre-order requests to SBC.[364]

92. We reject CIMCO's claims, and agree with SBC that its pre-ordering process is nondiscriminatory.[365] SBC's LSOG 5 pre-ordering process was developed as part of the Uniform and Enhanced Plan of Record (U&E POR), a collaborative process open to participation by all competitive LECs, including CIMCO, to facilitate pre-ordering, ordering, and other functions by which competitive LECs order and deploy resold services and UNEs throughout SBC's territories.[366] As of April 2002, effective with the release of LSOG 5 as part of the U&E POR, SBC began to use a uniform 13-state platform for both pre-ordering and ordering functions.[367] As a result, SBC, in its Midwest region, adopted the same manual pre-order process as that used in the other SBC states.[368] We note that while the pre-order process for complex orders does require competitive LECs to fax a complete LSR when requesting TN reservations, SBC recognizes that this process has become cumbersome and is committed to streamlining the process by requiring competitive LECs to submit only those fields needed to reserve TNs.[369] On August 22, 2003, SBC began a series of trials to determine with CIMCO exactly what needs to be submitted during the pre-order phase for complex products.[370] Given that SBC had processes in place at the time of filing to quickly respond to competing LEC's requests for this feature, we decline to find that the fact that complex orders had to be faxed warrants a finding of checklist noncompliance.

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[363] CIMCO Comments at 4.

[364] CIMCO Comments at 5.

[365] SBC Application at 60.

[366] Letter from Colin S. Stretch, Counsel for SBC, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-167 at Attach. (filed August 13, 2003) (SBC Aug. 13 *Ex Parte* Letter).

[367] SBC Brown/Cottrell/Lawson Reply Aff. at para. 133; SBC Aug. 13 *Ex Parte* Letter at Attach.

[368] SBC Brown/Cottrell/Lawson Reply Aff. at para. 133. SBC communicated the details of this process to competitive LECs via Accessible Letter CLECAM02-198 (dated May 14, 2002). SBC Brown/Cottrell/Lawson Reply Aff. at para. 133. According to SBC, the LSOG 4 placeholders created a situation in which SBC was required to provide this pre-order activity, in addition to normal ordering activity, in accordance with ordering performance standards (*i.e.*, the 24 hour FOC interval). However, the record shows that the requirements for LSOG 5 were negotiated as part of the Plan of Record Collaboratives and that SBC notified competitive LECs of the functionality afforded in LSOG 5 via Accessible Letters and walk-throughs. Therefore, according to CLEC Online, a website developed by SBC to support competitive LECs within its 13-state region through a single access point, the LSC will now "return the pre-order information back to the CLEC [competitive LEC] within 72 hours of receiving the pre-order request." SBC Cottrell/Lawson Aff. at para 41; SBC Brown/Cottrell/Lawson Reply Aff. at paras. 135-136. If CIMCO does not believe that the 72 hour standard is sufficient, CIMCO may raise the issue at the CLEC User Forum.

[369] SBC Brown/Cottrell/Lawson Reply Aff. at para. 134.

[370] SBC Brown/Cottrell/Lawson Reply Aff. at para. 134.

Since SBC's pre-ordering process was developed through a joint effort between competitive LECs and SBC, and is one that the Commission has approved in prior section 271 applications, we do not find that CIMCO's complaints indicate that SBC's LSOG 5 deprives competitive LECs of a meaningful opportunity to compete in the application states.[371]

93. We also dismiss RCN's claims that SBC does not allow competitors to perform pre-ordering functions in substantially the same time and manner as the BOC's retail operations.[372] In particular, RCN argues that SBC's refusal to provide RCN with access to SBC's Living Unit (LIV) database in a format that would be usable by RCN to scrub customer address data prior to address validation is discriminatory.[373] According to SBC, the problem RCN is having is due to the fact that RCN is using billing information from the United States Postal Service (USPS) to populate the service address field on its LSRs, instead of using SBC's pre-order address validation function.[374] Because RCN is using a service address based on the USPS' records, instead of the address information available through SBC, the service order address sometimes does not match.[375] The record shows that SBC makes a pre-order address validation query available through each of its three pre-order interfaces – CORBA, EDI, and Enhanced Verigate.[376] Such a query enables a competitive LEC to determine, prior to submitting an LSR, whether the service address to be populated on its LSR matches the service address maintained in SBC's back office systems.[377] Among other things, the pre-order address validation query accesses and verifies information in the LIV database before returning a response to the competitive LECs.[378] We find that RCN does not indicate that it is unable to utilize SBC's processes for pre-order address validation, which would enable them to access the LIV database. Therefore, we find that RCN's claims do not demonstrate checklist noncompliance.

94. We further find that AT&T's allegations that SBC's CORBA pre-ordering interface suffers from substantial outages do not warrant a finding of checklist noncompliance.[379] Although AT&T states that outages of CORBA have increased significantly during June, July, and August 2003 and that recent outages have ranged in duration between 72 minutes and 2

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[371] *See e.g., SBC Michigan II Order* at para. 59.

[372] RCN Comments at 1-2.

[373] RCN Comments at 1-2.

[374] SBC Brown/Cottrell/Lawson Reply Aff. at para. 55.

[375] SBC Brown/Cottrell/Lawson Reply Aff. at para. 55.

[376] SBC Brown/Cottrell/Lawson Reply Aff. at para. 56.

[377] SBC Brown/Cottrell/Lawson Reply Aff. at para. 56.

[378] SBC Brown/Cottrell/Lawson Reply Aff. at para. 56.

[379] AT&T Comments at 62-63; AT&T Comments, Declaration of Sarah DeYoung and Walter W. Willard (AT&T DeYoung/Willard Decl.) at paras. 34-51; AT&T Reply at 28-34.

hours and 21 minutes,[380] the record shows that SBC's performance under PM-4 indicates that all three of SBC's pre-ordering interfaces – CORBA, EDI, and Enhanced Verigate – were available almost the entire time they were scheduled to be available.[381] In addition, SBC's performance for PM 4-17 (OSS Interface Availability; CORBA Pre-Order) in all four application states shows that SBC's interfaces were available well over 99 percent of the time in March through July.[382] Therefore, as we found in the *SBC Michigan II Order*, we find that competitors using SBC's CORBA interface are not denied a meaningful opportunity to compete.[383]

95. *Loop Qualification.* We also find that SBC provides competitive LECs with nondiscriminatory access to loop qualification information.[384] We do not find that ACN Group's

[380] Three of the outages in June were between 72 and 105 minutes in duration. AT&T DeYoung/Willard Decl. at para. 38. The 2 hour and 21 minute outage occurred in August. AT&T DeYoung/Willard Decl. at para. 40.

[381] SBC Brown/Cottrell/Lawson Reply Aff. at para. 42.

[382] Appendices B-E. We note, however, that in April and June, SBC missed the relevant 99.5% benchmark by 0.43% and 0.06% respectively. Such narrow misses are competitively insignificant. PM-4 measures the impact of interruptions to interface availability on the competitive LEC community. According to SBC, if the interface is completely unavailable, 100% of the outage duration is counted against SBC. In cases where an interface is partially available, an "availability factor" – which is stated as a percentage, and represents the impact of the degraded service to the competitive LEC community as a whole – is applied to the calculation of downtime. According to SBC, examples of degraded service situations include slow response on one of the pre-order services, such as CSI inquiry or address validation, which can result in user time-outs. SBC Brown/Cottrell/Lawson Reply Aff. at para. 45 n.41. *But see* AT&T Reply at 29 n.91 (stating that "the business impact of a partial CORBA outage can be as crippling as that of a total CORBA outage").

[383] *SBC Michigan II Order* at para. 62.

[384] *See, e.g.*, PM 1.1-01 (Average Response Time for Manual Loop Make-Up Information); PM 1.2 (Accuracy of Actual LMU Info Provided for DSL Orders). Although SBC missed three loop makeup timeliness metrics for several months, we find that SBC's overall performance remained high. SBC missed the 95% benchmark for PM 2-42 (% Responses Received within 30 seconds; OSS interface; Actual LMU Information Requested (5 or less loops searched)) by an average of 3.5% for March through July 2003 in all four states. However, this appears to be attributable to a difficulty in disaggregating the data, and not due to a problem with actual performance. SBC states that system changes necessary to monitor performance for searches of five or fewer loops were not in place until April 7, 2003. SBC Cottrell/Lawson Aff. at para 64. Thus, searches of more than five loops, which are expected to take longer, were included with the results for searches of five or fewer loops up to that date. SBC Cottrell/Lawson Aff. at para 64. SBC's performance in May, following that correction, showed that it only missed the 95% benchmark by an average of 2.5%, and it met the benchmark in June and July. *See* Appendices B-E. Given this upward trend, we find the misses to be competitively insignificant. SBC also missed the applicable 95% benchmark for PM 2-43 (% Responses Received within 60 seconds; OSS Interface; Actual LMU Information Requested (greater than 5 loops searched)) by an average of 31.1% for April through July 2003 in all four states. However, the requests captured by this measurement represent on average less than 11% of all Actual LMU Information requests in the application states from April through July 2003. SBC Application Reply App., Vol. 2a, Tab 8, Reply Affidavit of James D. Ehr (SBC Ehr Reply Aff.), Attach. C at 1, 9, 12, 15. Given such low volumes (*e.g.*, actual data show 86 transactions in Indiana in April 2003), a small number of requests returned outside the 60-second interval would cause a failure to meet the 95% benchmark. *Id.* With respect to PM 2-43, SBC Midwest has established an internal forum to focus on improvements to the response times for greater than five loops searched. SBC has two issues under investigation: (1) synching up internal timeouts and (2) resolution of a known CORBA problem, which (continued....)

criticisms of SBC's loop qualification performance rise to the level of checklist noncompliance.[385] ACN Group maintains that Mpower has had to cancel 40 percent of its DSL orders in Illinois due to erroneous loop makeup information it receives from SBC's OSS.[386] In particular, ACN Group details that SBC provides loops which are too long and with equipment such as bridge taps or repeaters that will preclude the use of the loop for DSL service.[387] However, as we found in the *SBC Michigan II Order*, SBC's advanced services affiliate receives precisely the same loop make-up information that is available to unaffiliated competitive LECs, through the same interfaces available to unaffiliated competitive LECs.[388] As the Commission has previously held, any inaccuracies or omissions in a BOC's database are not discriminatory to the extent they are provided in the exact same form to both retail and wholesale customers.[389] Therefore, we conclude that ACN Group's allegations do not warrant a finding of checklist noncompliance.

c. Ordering

96. Consistent with our findings in the *SBC Michigan II Order*, we determine that SBC provides nondiscriminatory access to its ordering OSS functions.[390] We first discuss SBC's performance and then parties' assertions that SBC's ordering processes are deficient and warrant a finding of noncompliance. These competitive LEC allegations fall into several categories: (1) rejection of valid orders; (2) inaccurate service order completion notices (SOCs); and (3) inaccurate and untimely line loss notifications (LLNs) and billing completion notifications (BCNs).[391] For the reasons provided below, we reject these claims.

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requires third-party software involvement. Although not a factor in our decision, SBC Midwest expects its performance under PM 2-43 to improve once these issues are resolved. SBC Application at 61 n.102. We also note that SBC missed the parity metric PM 1.1-01 (Average Response Time for Manual Loop Make-Up Information) in Illinois during each month from April through July. Ehr Reply Aff., Attach. C at 1. Since March, the average response for loop make-up has averaged 0.88 seconds for competitive LECs versus 0.76 seconds for SBC's data affiliate. *Id.* We do not find the difference of .12 seconds to be competitively significant.

[385] ACN Group Comments at 29-30.

[386] ACN Group Comments at 29.

[387] ACN Group Comments at 29.

[388] *SBC Michigan II Order* at para. 64; SBC Application App. A, Vol. 1, Tab 10, Affidavit of Carol A. Chapman (SBC Chapman Aff.) at para. 23 n.15; SBC Application Reply App., Vol. 2a, Tab 5, Reply Affidavit of Carol A. Chapman (SBC Chapman Reply Aff.) at 40.

[389] *Qwest Nine State Order*, 17 FCC Rcd at 26345-46, para. 69; *Verizon Massachusetts Order*, 16 FCC Rcd at 9024, para. 66.

[390] *See SBC Michigan II Order* at paras. 65-77.

[391] As noted in our *SBC Michigan II Order*, a line loss occurs when a competitive LEC loses a customer to another competitive LEC or to the incumbent LEC. A LLN notifies the competitive LEC of such an occurrence. *SBC Michigan II Order* at n.206. BCNs inform competitive LECs that all activities necessary to establish service or (continued....)

97. *Performance Measurements.* The commercial data reported during the relevant five months demonstrate that SBC satisfies checklist item two with regard to ordering.[392] SBC consistently satisfies the performance standards for ordering metrics with few exceptions. Although SBC has missed the relevant benchmark for several metrics three or more times during the five-month period of review, based on the record before us, we conclude that such misses are not indicative of OSS problems that are competitively significant.[393] For example, SBC's failure to meet several metrics in the PM 5 category, which measures firm order commitments (FOCs), can be attributed to low volumes, which tend to skew the results.[394] Additionally, as noted in the *SBC Michigan II Order*, SBC's wholesale flow-through rates in the four states that are the subject of this joint application are within the range that we have accepted in previous applications.[395] Moreover, SBC consistently returns timely order confirmation and rejection

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migrate an end user customer from one carrier to another are complete and the competitive LEC can therefore begin to bill the customer for service. *Id.* at para. 74 (citing *Verizon New Hampshire/Delaware Order*, 17 FCC Rcd at 18717-18, para. 99; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17446, para. 43). We note that while SBC refers to BCNs as "post to bill" (PTB) notices, consistent with Commission precedent, we will refer to these notices as BCNs.

[392] SBC's ordering performance is captured in the following families of performance measurements: PM 5, PM 6, PM 7, PM 8 (all of which report the timeliness of SBC's completion notices), PM 9, PM 10 and PM 11 (all of which report SBC's rejection and jeopardy notices), PM 12.01 (concerning mechanized provisioning accuracy), and PM 13 (which reports SBC's flow-through rates).

[393] *See* PM 12-01 (Mechanized Provisioning Accuracy). Although SBC has been unable to achieve parity for this metric in Indiana for four months, approximately 95% of competitive LECs orders in Indiana were provisioned accurately during the five months of our review. *See* SBC Ehr Indiana Aff. at para. 47.

[394] *See* SBC Ehr Illinois Aff. at para. 41. SBC states that during March through May, SBC issued 493,464 FOCs, of which just 456 (or 0.09%) were associated with order types captured by the following metrics: PM 5-16; PM 5-32; PM 5-34; and PM 5-40. *Id.* Specifically, for PM 5-32 (% FOCs Returned w/in 24 Clock Hrs – Man Sub Req – Complex Bus (1-200 lines)), which SBC missed the benchmark in Illinois three times during the five-month period, if SBC had issued four additional FOCs in March and one in April, SBC would have met the benchmark in this category for those months. *Id.* Moreover, we determine that BearingPoint's test results involving FOCs support our conclusion. In Indiana, for example, SBC returned FOCs on BearingPoint's test orders within the specified interval for 99.7% of orders that were submitted and processed electronically, 96.4% of FOCs that were submitted electronically and input manually, and 95.8% of orders that were submitted manually. *See* Indiana Commission Comments at 153 (citing BearingPoint's Indiana Bell Interim OSS and Performance Measurement Status Report at 816-17, 820).

[395] *See SBC Michigan II Order* at para. 66, nn.194-95 (citing the flow-through rates before the Commission in its *SBC Michigan II Order*, *Bell Atlantic New York Order*, *Verizon Massachusetts Order*, *Verizon Rhode Island Order*, *Verizon Connecticut Order*, and *Verizon Vermont Order*). In the instant application, the rates for SBC's UNE flow-through for UNE Loops (PM 13-01) in Ohio, the only state where SBC failed to meet the 95% benchmark three or more times during the five-month period, range from 86% to 90%. We agree with SBC's contention that its performance in Ohio is attributable to a "consolidation of Billing Account Numbers being conducted for one particular CLEC," which caused affected local service requests (LSRs) to drop out for manual processing thereby lowering SBC's overall flow-through performance. *See* SBC Cottrell/Lawson Aff. at para. 118. Moreover, we note that SBC met the benchmark for this measurement in July (97.36%). SBC also was unable to achieve parity for three or more months in one or more of the application states for the following flow-through submetrics: PM 13-02 (resale); PM 13-03 (UNE-P); PM 13-04 (LNP); PM 13-05 (LSNP); and PM 13-06 (Line Sharing). For PM 13-06, (continued....)

notices, accurately handles manually processed orders, and is able to scale its systems to process orders at projected future transaction volumes, thus, as we found in our *SBC Michigan II Order*, SBC's flow-through difficulties are not competitively significant.[396]

98. *Rejections.* We find that SBC returns rejection notices in a timely manner.[397] Several carriers allege that SBC's rejection notices are inaccurate and late.[398] Specifically,

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for example, we note that SBC's aggregate flow-through rate was high (ranging from 94% in Ohio to 97% in Illinois) and the volumes were low. *See* SBC Ehr Reply Aff., Attach. C at 3, 10, 13. *See also id.* at 9, 12-13, 16 (explaining that SBC's flow-through performance for PM 13-03 was high, ranging from 93% to 95% in Indiana, Ohio, and Wisconsin). Similarly, for PM 13-04, SBC explains that the volumes were low so that if about a dozen more orders had flowed through each month in Indiana, Ohio, and Wisconsin, SBC would have achieved parity. *See id.* at 9, 13, 16. We also find that SBC has taken several corrective actions region-wide to address its flow-through performance. *See* SBC Cottrell/Lawson Aff. at para. 120-22. Additionally, BearingPoint determined that SBC satisfied all criteria both for orders designed to flow through and for manual input of orders that do not flow through. *See, e.g.*, Indiana Commission Comments at 155 (citing BearingPoint Indiana Bell Interim OSS and Performance Measurement Status Report at 613-26, 915-18).

[396] *See SBC Michigan II Order* at para. 66. SBC has satisfied almost all PM 5 submeasures (which report FOC timeliness) in all four states during the five-month period of review. In the few instances where SBC has missed the appropriate benchmark, we determine that the difference is not competitively significant. For example, in SBC missed PM 5-31 (% FOCs Returned w/in 24 Clock Hrs – Man Sub Req – Simple Res & Bus) in Wisconsin three months out of five but by only 0.88% to 5% and we note further that SBC's performance is improving (meeting the benchmark for this metric in Wisconsin in both June and July). Similarly, SBC missed the benchmark for PM 5-32 in Illinois three months out of five but, as SBC notes, its performance would have to be nearly perfect to meet the 94% benchmark because there are so few orders captured by this metric. *See* SBC Ehr Reply Aff., Attach. C at 2. *See also* BearingPoint's Indiana Bell Interim OSS and Performance Measurement Status Report at 182-92 (describing BearingPoint's peak and stress volume testing of SBC's OSS based on future volumes).

[397] We note that SBC met the benchmark in all four states for PM 10-03 (% of Rejects Returned Within 8 Hrs-Manual Rejects Received Electronically (A/M)) and it generally satisfied PM 10-04 (% of Rejects Returned Within 24 Hrs-Manual Rejects Received Manually (M/M)) in all four states. ACN Group allege that SBC was unable to meet an earlier reject metric, which was included in the March commercial data that are the subject of this joint application, and was able to have it modified to the current PM 10-3 and PM 10-4. ACN Group Comments at 19-20. We note that metrics are developed and modified through a collaborative, with competitive LEC participation and supervision by state commission staff. Three of the four state commissions expressly approved the modification to this metric and the fourth, Illinois, noted the change in its Order on Investigation. *See* SBC Ehr Indiana Aff. at para. 14 & n.20; SBC Ehr Ohio Aff. at para. 18 & n.18; SBC Ehr Wisconsin Aff. at para. 18 & n.26; Illinois Commission Order on Investigation at 364. Moreover, BearingPoint concluded that SBC provided timely mechanized rejection messages in response to electronically submitted orders and noted that, applying the new benchmark of 8 hours, now found in PM 10-03, and 24 hours, now found in PM 10-04, SBC met the benchmark 99% of the time. *See* OSS Indiana Bell Interim and Performance Measurement Status Report at 796-98. Finally, we also note that the rate of SBC-caused reject errors has shown general improvement during the past five months. *See* PM- 9-02 (Percent Rejects – SBC/Ameritech Caused Rejects (Re-flowed Orders)). In Illinois, this rate was 0.22% in March, 0.22% in April, 0.43% in May, 0.13% in June, and 0.13% in July. In Indiana, this rate was 0.20% in March, 0.22% in April, 0.11% in May, 0.18% in June, and 0.14% in July. In Ohio, the rate was 0.20% in March, 0.21% in April, 0.19% in May, 0.11% in June, and 0.12% in July. In Wisconsin, the rate was 0.43% in March, 0.34% in April, 0.20% in May, 0.14% in June, and 0.18% in July.

[398] *See* Access One Comments at 5-6; ACN Group Comments at 18-20; CIMCO Comments at 9-12.

CIMCO and Access One argue that they have been unable to submit complex orders electronically using LSOG 5 without having those orders rejected and thus falling out for manual handling.[399] CIMCO also alleges that its orders for customers that have existing contracts with SBC are rejected.[400] In its reply comments, SBC explains that complex orders, by their very nature, are complicated and more likely to generate errors by both the competitive LEC's employees and by SBC's employees.[401] SBC has demonstrated that it has taken appropriate steps to assist competitive LECs with such complex orders (*e.g.*, competitive LEC training, workshops, frequent – if not daily – operational telephone calls).[402] Additionally, we find that SBC is responsive to competitive LEC-reported problems[403] and that it has created solutions or work-arounds for competitive LECs so that these carriers may continue to submit their orders electronically while SBC completes a permanent solution.[404] Moreover, SBC has demonstrated that the number of affected orders was small and the problems were not of sufficient scope and duration to raise serious competitive concerns.[405]

99. SBC has also persuasively explained that it never refused to allow CIMCO to

[399] *See* Access One Comments at 5-6; CIMCO Comments at 9-12. We discuss LSOG 5 issues in our Change Management discussion below. *See infra* Part IV.B.2.g.

[400] CIMCO Comments at 8-9.

[401] For example, in response to CIMCO's complaint concerning Centrex orders, SBC notes that "Centrex accounts can contain hundreds of lines, with many different locations, all under the same Centrex block," which requires an order for each address, entries in at least two systems, and additional information about the switch type. SBC Brown/Cottrell/Lawson Reply Aff. at para. 121. SBC reviewed several of CIMCO's orders and determined that the majority of the errors requiring multiple submissions were attributable to CIMCO. *See id.* at paras. 123-26. In addition, SBC indicated that CIMCO's failure to follow SBC's CLEC Handbook resulted in CIMCO's electronic orders for accounts containing mixed services to fail. *See id.* at para. 144 (citing CIMCO Comments at 11-12). We note that CIMCO has not contested SBC's various complex order analyses.

[402] SBC Brown/Cottrell/Lawson Reply Aff. at paras. 127-28.

[403] *See, e.g.*, SBC Brown/Cottrell/Lawson Reply Aff. at para. 142 (explaining that SBC opened three defect reports on July 23-24, 2003 after CIMCO reported difficulties with Direct Inward Dial orders and closed all three reports just over one week later).

[404] *See, e.g.*, SBC Brown/Cottrell/Lawson Reply Aff. at para. 139 (explaining that CIMCO could submit Centrex orders electronically through a spreadsheet during the several weeks in July that SBC experienced problems with its LASR); *id.* at para. 141 (stating that it initiated a change request to address a Basic Rate Interface (BRI) issue raised by CIMCO and, in the interim, competitive LECs may submit their BRI orders electronically with certain information contained in the "Remarks" section of the order form). We note that several of the problems that CIMCO raised, and SBC's responses, occurred during our consideration of SBC's application. Although we do not rely on SBC's responses to find compliance with this aspect of checklist item 2, we note that the issues raised by CIMCO do not rise to the level of checklist noncompliance.

[405] *See, e.g.*, SBC Brown/Cottrell/Lawson Reply Aff. at nn.62-63. After determining that the percentages contained in these two footnotes were not confidential, SBC included those percentages in an *ex parte* letter. *See* SBC Sept. 12 *Ex Parte* Letter, Attach. A at 3 (noting that the percentage found in footnote 62 is 0.3% and the percentage found in footnote 63 is 0.5%).

convert an SBC end-user customer.[406] Rather, CIMCO's orders were rejected because SBC's systems did not recognize certain information contained in CIMCO's orders (*i.e.*, the calling plan Universal Service Order Code (USOC) or the contract information that followed the USOC). SBC opened a defect report the day after CIMCO reported the problem and, while creating a fix, offered to accept a spreadsheet of all of CIMCO's pending LSRs, which SBC would convert to the appropriate service orders.[407] With CIMCO's agreement, SBC closed this report on July 25, 2003, and we note that CIMCO has not disputed SBC's explanation. Finally, in response to Access One's claim that most of its electronic orders are rejected, data provided by SBC indicate that Access One's rejection rates far exceed the aggregate competitive LEC rate.[408] For this very reason, as noted in previous section 271 orders and absent any evidence of discriminatory action directed against the specific carrier, the Commission does not perform a parity or direct benchmark analysis of a BOC's rejection rates because a high rejection rate could be attributable to the errors of a competitive LEC and not the BOC.[409]

100. *Service Order Completion Notices.* We find that SBC is providing timely service order completion notices (SOCs).[410] Several commenters argue that SBC issues inaccurate SOCs.[411] For example, Forte claims that almost 20 percent of the SOCs it received from SBC

[406] SBC Brown/Cottrell/Lawson Reply Aff. at para. 138.

[407] SBC Brown/Cottrell/Lawson Reply Aff. at para. 137.

[408] *See* SBC Brown/Cottrell/Lawson Reply Aff. at para. 59. *See also id.* at Attach. J (showing that Access One received more than 181 different error codes in the month of June 2003). We agree with SBC that this variety of errors demonstrates that there is no systemic problem on SBC's side causing these rejection notices and we note that Access One has not contested SBC's statements. SBC Brown/Cottrell/Lawson Reply Aff. at para. 60.

[409] *See SBC Michigan II Order* at para. 67 (citing *SBC California Order* and *SWBT Texas Order*) (further citations omitted). We note that Access One has provided no evidence to refute SBC's explanation.

[410] Our finding is supported by BearingPoint, which tested SBC's ability to return SOCs in a timely manner. *See, e.g.*, BearingPoint Indiana May 2003 Report at 801-02 (indicating that SBC satisfied this test, TVV 1-32). *See also* BearingPoint Service Order Completion Final Report. Finally, see SBC's performance captured by PM 7. For example, SBC met the benchmark each month in all four states for the following metrics: PM 7.1-01 (% Mechanized Completions Returned w/in One Day of Work Completion – Resale); PM 7.1-02 (% Mechanized Completions Returned w/in One Day of Work Completion – UNE); and PM 7.1-03 (% Mechanized Completions Returned w/in One Day of Work Completion – UNE-P). While ACN Group note that SBC has missed the benchmark for PM 7.1-04 (the same metric but measuring LNP) in Illinois, we find that the volumes for this metric are low. *See* ACN Group Comments at 22; *see also* SBC Ehr Illinois Aff. at para. 53; SBC Ehr Reply at para. 18 & Attach. C at 2 (noting that SBC's performance has averaged over 95% for this metric and LNP orders made up only 0.28% of the total mechanized completions in Illinois during March through July, 2003). *See also* Illinois Commission Comments at 65 (finding that SBC took "prompt and aggressive actions" to respond to SOC issues).

[411] *See* ACN Group Comments at 20-22; Forte Comments at 3-5. We note that AT&T raised but then seeks to withdraw its arguments concerning SOCs. *See* Motion of AT&T Corp. to Withdraw Certain Issues, WC Docket No. 03-167 (filed on Oct. 2, 2003) (AT&T Motion to Withdraw). We note that no party objected, and accordingly, we grant AT&T's motion.

from April through June 2003 were incorrect.[412] Forte also raised the issue of invalid SOCs before the Illinois Commission in its section 271 proceeding.[413] According to the Illinois Commission, SBC's performance data indicated that Forte actually received better service (*i.e.*, lower rate of installation trouble reports) than what SBC provided to its retail operations.[414] We agree and note that the data that SBC filed with the Commission also demonstrate that SBC consistently achieves parity for PM 35, which captures the percentage of trouble reports filed within a 30-day period. Indeed, the data show that competitors' customers generally reported fewer installation problems than SBC's customers.[415]

101. *Other Ordering Issues*. Several parties allege that SBC fails to provide timely, complete, and accurate LLNs and BCNs.[416] These parties raised the same concerns in our *SBC Michigan II* proceeding.[417] As we found in that order, the performance data under review in the instant joint application show that SBC generally satisfies the relevant metrics,[418] and many of the commenters' complaints fall outside of the relevant five-month period of review for this joint application and involve isolated incidents that do not demonstrate any pattern of discrimination.[419] Additionally, SBC's processes were the subject of BearingPoint's test and the state commissions are actively involved in monitoring SBC's performance in these areas.[420]

102. We further find that SBC has taken appropriate corrective actions to address its past LLN problems, as highlighted in its response to two instances of erroneous LLNs reported by MCI. For example, as of May 1, 2003, SBC now issues daily reports (Service Order Quality

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[412] Forte Comments at 3.

[413] *See* Illinois Commission Comments at 64.

[414] *Id.*

[415] *See* SBC Sept. 12 *Ex Parte* Letter, Attach. A at 4 (stating that since competitive LECs file trouble reports when a problem occurs in the provisioning of a No Field Work order, those reports would be captured in PM 35-06 and PM 35-08 – UNE-P No Field Work for residential and business orders, respectively).

[416] *See* ACN Group Comments at 15-18; AT&T Comments at 64-67; MCI Comments at 9-10.

[417] *See SBC Michigan II Order* at paras. 70-77. We will not repeat our analysis provided in the *SBC Michigan II Order* of identical claims made by competitive LECs in both proceedings (*e.g.*, MCI's claims concerning two instances of erroneous LLNs). *See id.* at n. 214.

[418] *See, e.g.*, PM MI 13-05 (% Mechanized Line Loss Notifications Returned Within 1 Day of Work Completion – All), where SBC met the 97% benchmark each month for all four states; PM MI 13-06 (% Mechanized Line Loss Notifications Returned Within 1 Day of Work Completion – SBC Winback), where SBC met the 97% benchmark in each state for each month; PM MI 13-07 (% Mechanized Line Loss Notifications Returned Within 1 Day of Work Completion – CLEC-to-CLEC), where SBC missed the 97% benchmark only twice (both times in Wisconsin) in the past five months for all four states.

[419] *SBC Michigan II Order* at paras. 70, 75.

[420] *See, e.g.*, Illinois Commission Comments at 62-64; Illinois Commission Order on Investigation at 355-57.

Accuracy Reports or SOQAR) comparing certain critical fields on the service order to the corresponding fields on the LSR. These reports capture discrepancies between the fields and are made available to competitive LECs on SBC's Intranet. According to SBC, 27 of the 36 erroneous LLNs that MCI reported to SBC on August 6, 2003, would have been caught by this report if they had occurred after May 1, 2003.[421] SBC also makes available a "lines in service" (LIS) report, which provides a snapshot of a competitive LEC's active lines in SBC's ACIS database, including a list of the competitive LEC's working telephone numbers at any given moment.[422] The LIS report enables competitors to audit SBC's records and this report, according to SBC, would have permitted MCI to discover six of the remaining eight erroneous LLNs. These erroneous LLNs constitute a small fraction of MCI's lines in service and, thus, we find that they do not impede MCI's ability to compete and are not indicative of any systemic problem with SBC's OSS.

103. One issue not addressed in our *SBC Michigan II Order* concerns the amount of time SBC requires to post a completed service order to its billing systems. AT&T argues that a major cause of the delay in the transmission of SBC's BCNs is attributable to the ten days required by SBC to perform this task.[423] By contrast, AT&T claims that other BOCs require five days, at most, and that SBC rejected its request to implement in the Midwest region the standard that SBC follows in Texas (*i.e.*, five days).[424] SBC responds that the Texas metric AT&T seeks to add in the Midwest region, PM 17.1, does not measure the amount of time from the completion of the service order to the transmission of the BCN.[425] Moreover, SBC explains that it initially expressed concerns about importing this metric because of differences in SBC Midwest's SOC and billing OSS architectures and because such a measurement would largely duplicate an existing Midwest metric, PM 17.[426] Nonetheless, SBC states that it is willing to discuss a modified PM 17.1 and currently is awaiting competitive LEC approval of this proposed

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[421] *See* SBC Application Reply App., Vol. 1a, Tab 2, Reply Affidavit of Justin W. Brown, Mark J. Cotrell and Michael E. Flynn (SBC Brown/Cottrell/Flynn Reply Aff.) at para. 61; SBC Sept. 12 *Ex Parte* Letter, Attach. A at 4 & Attach. B. *See also* MCI Comments at 10 (explaining that it received 36 LLNs for lines that were still included in SBC's lines-in-service report).

[422] SBC Brown/Cottrell/Flynn Reply Aff. at para. 56.

[423] *See* AT&T DeYoung/Willard Decl. at paras. 60-62. AT&T also claims that in response to this ten-day period, it created a workaround (at a cost of over $80,000) that "stacks" (or holds) change orders after receipt of a SOC and "forces them to complete in the absence of a BCN after a certain period of time in the hope that the orders have, by that time, posted to SBC's billing systems." AT&T Comments at 66.

[424] *See* AT&T DeYoung/Willard Decl. at para. 61.

[425] SBC Ehr Illinois Aff. at para. 224. According to SBC, AT&T has not proposed the Texas PM 17.1 in the Midwest region but, rather, a modified version of it. SBC Brown/Cottrell/Lawson Reply Aff. at para. 83. In addition, SBC argues that AT&T's proposal is based on PMs from other regions with different system architectures. *Id.* at para. 85.

[426] SBC Brown/Cottrell/Lawson Reply Aff. SBC states that PM 17 captures the same process with the exception of the actual delivery of the notification. SBC Ehr Illinois Aff. at para. 224.

metric.[427]

104. SBC's ability to post BCNs in a timely fashion was a subject of BearingPoint's tests in this region. After opening one observation in this area in November 2002, BearingPoint closed this exception early this year and reported no further BCN issues.[428] While SBC is unwilling to commit to a five-day benchmark because of the Midwest region's system differences,[429] it has provided data demonstrating that the overwhelming majority of BCNs are sent in fewer than ten days. Indeed, in April, SBC posted almost 94 percent of its BCNs within five days, based on a California measurement modified to reflect the regional differences in its systems.[430] Based on its current performance, we believe SBC has met this 271 criterion. Moreover, the parties, with supervision by the state commissions, have established a collaborative to address such issues. As SBC has explained, this very issue is pending before this collaborative and we determine that it is the appropriate forum, rather than a section 271 proceeding, to resolve this issue.[431] We also agree with SBC that the amount of time SBC requires to post BCNs did not force AT&T to create a work-around solution but, rather, AT&T chose to define when an order is "completed" for its billing purposes based on parameters different than those used by SBC. Presumably, AT&T's parameters are also different from those used by other competitive LECs because no other carrier has commented on this issue.[432]

d. Provisioning

105. We conclude, consistent with our findings in the *SBC Michigan II Order*, that SBC provisions competing LECs' customer orders in a nondiscriminatory manner.[433] Only two commenters, Forte and AT&T, express concerns with SBC's provisioning processes.

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[427] SBC Ehr Illinois Aff. at para. 224.

[428] *See, e.g.*, BearingPoint's Indiana Bell Interim OSS and Performance Measurement Status Report at 786-87 (indicating that, after retesting, it closed in March 2003 an observation concerning SBC's Web GUI systems failing to return Post to Bill responses). *See also* SBC Brown/Cottrell/Lawson Reply Aff. at para. 82 & n.54.

[429] *See, e.g.*, SBC Sept. 12 *Ex Parte* Letter, Attach. A at 4 (citing SBC Application App. A.. Vol. 1, Tab 6, Affidavit of Justin W. Brown, Mark J. Cottrell and Michael E. Flynn (SBC Brown/Cottrell/Flynn Aff.) Attach. D, which depicts SBC Midwest's UNE-P billing process).

[430] SBC Brown/Cottrell/Lawson Reply Aff. at para. 88.

[431] *See, e.g.*, *Verizon New Jersey Order*, 17 FCC Rcd at 12343, para. 138 n.408 (noting that the Commission accords much weight to the judgment of collaborative state proceedings and it encourages carriers to work together in such fora to resolve metrics and other issues).

[432] SBC Brown/Cottrell/Lawson Reply Aff. at para. 99. SBC states that its definition of "complete" is when the service is provisioned and the SOC is returned to the initiating party. *Id.* We note that Forte's BCN allegation concerned supposed changes made to LSOG 5. We address change management issues below.

[433] *See SBC Michigan II Order* at para. 78. *See also* Illinois Commission Comments at 67.

106. In previous orders – most recently our *SBC Michigan II Order* – the Commission has focused on two areas of a BOC's provisioning performance: timeliness and quality.[434] Performance data measuring SBC's ability to provision competitive LEC orders in a timely fashion demonstrate that SBC generally meets the requisite standards. For example, SBC meets its installation due dates with few exceptions, including SBC-caused missed due dates[435] and customer-requested due dates,[436] and spends approximately the same amount of time to perform installations for competitive LEC customers as for its own retail customers.[437] Moreover, BearingPoint's test results support our finding that SBC satisfies this part of checklist item two, and no commenter contests SBC's provisioning timeliness.[438] Our record also indicates that

[434] *See SBC Michigan II Order* at paras. 79-80.

[435] *See, e.g.*, PM 29 & PM 30 (the percent of SBC-caused missed due dates). SBC was unable to meet only one of the 20 submetrics within these performance metrics and only in one state: PM 29-07 (% SBC/Ameritech Caused Missed Due Dates – UNE-P Business – Field Work) in Illinois. SBC achieved parity in July for this submetric in Illinois (missing only 2.15% of its due dates) and we note that even in those months where SBC did not meet the standard, the difference, 3.16%, is not competitively significant and does not warrant a finding of noncompliance. *See* SBC Ehr Reply Aff., Attach. C at 4.

[436] *See generally* PM 28. Of the eleven submetrics in this family, SBC had difficulty meeting the relevant standard in only a handful of them. For example, in Illinois, SBC missed the 97% benchmark set for PM 28-02 (% Installations Completed w/in Customer Requested Due Date – POTS – Res – No FW) for three months out of five; however, we determine that the difference, ranging from 0.03% to 2.86%, is not competitively significant. Moreover, SBC consistently meets the standard set in PM 29-02 (% SBC/Ameritech Caused Missed Due Dates – POTS - Res – No FW). According to SBC, since March, only twelve of Illinois competitive LEC orders for resold residential loops not requiring field work have been affected by missed due dates. *See* SBC Ehr Reply Aff., Attach. C at 3. Similarly, while SBC missed the 97% benchmark in PM 28-04 (% Installations Completed w/in Customer Requested Due Date – POTS – Bus – No FW) three or more times in the application states, SBC's performance remains high. SBC missed the benchmark by less than a percentage point in Indiana and Wisconsin, for example, when averaged over the relevant five-month period. *See* SBC Ehr Reply Aff., Attach. C at 10, 17. In addition, SBC data show that it causes very few missed due dates for resold business loops without field work. *See* PM 29-04 (% SBC/Ameritech Caused Missed Due Dates – POTS – Bus – No FW). *See also* SBC Ehr Reply Aff., Attach. C at 4, 10, 13, 17. For PM 28-07 (% Installations Completed w/in Customer Requested Due Date – UNE-P Bus – FW), SBC missed the benchmark only in Illinois and by narrow margins. *See id.* at 4 (noting that it was just 35 orders short of achieving parity during March through June combined and that it achieved parity in July). Finally, SBC missed the benchmark for PM 28-08 (% Installations Completed w/in Customer Requested Due Date – UNE-P Bus – No FW) three or more times in Illinois and Wisconsin. Again, we find that the amount by which SBC missed the standard is not competitively significant. In Illinois, the difference ranged from 0.69% to 1.85% and in Wisconsin, the difference ranged from 0.25% to 2.64%. SBC's performance has been improving (*i.e.*, it met the benchmark in both states in July) and only a fraction of competitive LEC orders for business UNE-P orders without field work have been affected by missed due dates. *See id.* at 4, 17.

[437] *See generally* PM 27. Indeed, the data show that SBC usually provides superior service to competitive LEC customers than to its own retail customers. *See, e.g.*, PM 27-01 through PM 27-10. SBC missed only one metric in this family, PM 27-05 (Mean Installation Interval – UNE-P Res – FW (Days)), during three or more of the five months for just one state, Wisconsin. We conclude that the differences in this interval (March: 2.67 vs. 2.25; April: 2.84 vs. 2.25; May: 2.97 vs. 2.37) are not competitively significant.

[438] For example, BearingPoint determined that SBC-Indiana satisfied all 24 provisioning criteria and provisions orders consistent with documented methods and procedures, on the due date, and in an accurate manner. *See* Indiana (continued....)

SBC's provisioning quality is strong. Specifically, the data demonstrate that competitive LEC customers generally experience fewer problems within 30 days of the installation than do SBC's retail customers.[439] Furthermore, we note that no competitor raises any concern about SBC's provisioning quality in this proceeding.

107. Forte argues that SBC is impermissibly preventing it from placing dial tone on the line from SBC's central offices.[440] According to Forte, giving its technicians this diagnostic tool would help them locate a customer's new line in a multi-dwelling residence.[441] Forte claims that it successfully completed testing in July 2002 with SBC to place tone on the lines using the same system as SBC, but that, as of today, SBC refuses to allow Forte's technicians to use this functionality.[442] SBC states that through its Bona Fide Request (BFR) process, it is willing to allow Forte's technicians to perform this test, at no charge, in lieu of SBC dispatching a technician for dial tone trouble associated with new UNE-P lines within 30 days of order completion.[443] SBC also explains that Forte misunderstands how agenda items are added and removed from the CLEC User Forum and, contrary to Forte's assertion, its "tone on the line" issue was not removed from the agenda.[444] Given the fact that SBC has an established process in place (*i.e.*, the BFR process) to allow a requesting carrier to obtain this particular service should

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Commission Comments at 156 (citing BearingPoint Indiana Bell Interim OSS and Performance Measurement Status Report at 921-935). *See also* SBC Cottrell/Lawson Aff., Attach. A at para. 40 (explaining that, in Illinois, BearingPoint found that SBC satisfied 76 of the 82 test criteria for provisioning functionality, five of the remaining six were categorized as "Indeterminate" due a lack of commercial demand for the product or feature that was supposed to be tested, and only one of the 82 criteria was found to be not satisfied); *id.*, Attach. B at para. 40 (noting that, in Indiana, BearingPoint found that SBC satisfied 78 of the 84 provisioning functionality test criteria and the remaining six criteria were indeterminate); *id.*, Attach. C at para. 40 (noting that, in Ohio, SBC satisfied 77 of the 84 provisioning functionality test criteria, six of the remaining seven criteria were indeterminate, and only one of 84 criteria was not satisfied); *id.*, Attach. D at para. 40 (mentioning that SBC satisfied 78 of the 84 provisioning functionality test criteria in Wisconsin, with all remaining six criteria categorized as indeterminate).

[439] *See* PM 35 (% Trouble Reports w/i 30 Days of Install for POTS and UNE-P).

[440] Forte Comments at 5-7.

[441] Forte Comments at 5.

[442] Forte Comments at 5. Additionally, Forte claims that it added this issue to the CLEC User Forum agenda in May 2002 but that the item was dropped from the agenda in January 2003. *Id.*

[443] SBC Application Reply App., Vol. 3, Tab 10, Affidavit of John J. Muhs (SBC Muhs Reply Aff.) at para. 19. SBC states that if Forte requests this service outside of the 30-day period, SBC would assess a fee. In addition, SBC would charge a one-time fee for the costs to create a billing interface and for training. Moreover, SBC indicates that development for this service will proceed upon Forte's approval, pursuant to the BFR process. *Id.*

[444] SBC Muhs Reply Aff. at para. 21. In response to Forte's assertions about the availability of binding post assignments, and cable and pair assignments, SBC explains that any competitive LEC can obtain binding post information from SBC's LOC at no charge, and it has never made available cable and pair assignments to any competitive LEC anywhere in SBC's footprint. *Id.* at para. 22. *See also* SBC Sept. 12 *Ex Parte* Letter, Attach. A at 5. We note that the Commission has never required BOCs to make available cable and pair assignments to competitive LECs to comply with the obligations set forth in section 271.

it so desire and SBC appears to be working collaboratively with Forte to institute this feature, we decline to find that this issue warrants a finding of checklist noncompliance.

108. AT&T contends that SBC is improperly limiting AT&T's access to SBC's systems by allowing only three AT&T production IP addresses through SBC's security firewalls.[445] As part of AT&T's proposed disaster recovery plan, AT&T seeks to shift its local consumer traffic from the Midwest to servers located in the Southeast. To do so, AT&T argues that it needs another IP address that is recognizable by SBC's systems and, absent an additional IP address, AT&T maintains that it would be unable to offer consumer services in the Ameritech region in the event of a disaster.[446]

109. SBC disagrees that AT&T requires additional IP addresses in order to establish a disaster recovery plan. Indeed, SBC states that it has already given AT&T three additional IP addresses for each SBC region in 2001.[447] SBC states that it allows competitive LECs to establish three IP address combinations per function (pre-ordering and ordering), per environment (test and production), and per region.[448] According to SBC, there are no technical limitations that prevent a competitive LEC from using, for example, a single IP address for production pre-ordering and ordering functions, which would then leave two additional addresses for disaster recovery.[449] Moreover, SBC explains that its IP address cap serves as a security measure because each originating IP address represents an opening or breach through SBC's security firewalls.[450] However, SBC has indicated that its policy is not inflexible and it is willing to work with competitive LECs to obtain additional IP addresses.[451] We conclude that SBC's IP address policy appears to be a reasonable network management practice and, in any event, does

[445] AT&T Comments at 61.

[446] AT&T Comments at 62.

[447] *See* SBC Sept. 22 *Ex Parte* Letter, Attach. C at 1 (explaining that SBC agreed to treat AT&T's business and consumer operations as two separate companies for IP address allocation purposes).

[448] SBC Brown/Cottrell/Lawson Reply Aff. at para. 108. Thus, according to SBC, a competitive LEC could establish three direct connections to SBC's remote access facility for ordering and three connections for pre-ordering in the production environment for each SBC region. *Id.* Similarly, SBC states that three connections can be established for ordering and three for pre-ordering in the test environment for a total of 12 combinations per SBC region. *Id.* (citing SBC Cottrell/Lawson Aff. at para. 44).

[449] SBC Brown/Cottrell/Lawson Reply Aff. at para. 109. In fact, SBC explains that in SBC's West and Southwest regions, AT&T has configured its consumer unit to use only one IP address and trading partner ID combination whereas in the Midwest region, AT&T's consumer unit uses three IP addresses across two trading partner IDs. SBC Sept. 22 *Ex Parte* Letter, Attach. C at 2.

[450] SBC Brown/Cottrell/Lawson Reply Aff. at para. 109.

[451] *See* Letter from Geoffrey M. Klineberg, Counsel for SBC, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-167, Attach. at 1 (filed Oct. 2, 2003) (SBC Oct. 2 *Ex Parte* Letter).

not in and of itself warrant a denial of the instant application. We note that AT&T and SBC have resolved their IP address dispute and that SBC has agreed to make available to any carrier the same IP address arrangement reached with AT&T, although we do not rely on this resolution.[452]

e. Maintenance & Repair

110. We conclude that SBC provides nondiscriminatory access to maintenance and repair OSS functions. SBC has deployed the necessary interfaces, systems, and personnel to enable requesting carriers to access the same maintenance and repair functions that SBC provides itself.[453] We find that SBC's performance data support a finding of checklist compliance in this area. We also find that BearingPoint's test results demonstrate that SBC provides nondiscriminatory access to maintenance and repair functionality.[454]

111. We specifically find that SBC restores service to competing carriers' customers in substantially the same time and manner[455] and with a similar level of quality[456] as it restores

[452] *See* SBC Oct. 2 *Ex Parte* Letter, Attach. at 2-3 & Ex. at 1. SBC also indicates that it will include its IP address modification in the next update of its Interconnection Procedures document, available on its CLEC Online web site. *Id.*, Attach. at 3.

[453] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4067, para. 211. SBC provides competing carriers with several options for requesting maintenance and reporting troubles. Competing carriers may use the Electronic Bonding Trouble Administration/Graphical User Interface ("EBTA/GUI") and the Electronic Bonding Trouble Administration application-to-application interface ("EBTA") for access to maintenance and repair functionality. SBC Application at 72; SBC Cottrell/Lawson Aff. at para. 139.

[454] *See* SBC Cottrell/Lawson Aff., Attach. A, at paras. 47-51 (indicating that SBC satisfied 98 percent of BearingPoint maintenance and repair testing (excluding volume test criteria) in Illinois); SBC Cottrell/Lawson Aff., Attach. B, at paras. 48-52 (indicating that SBC satisfied 98 percent of BearingPoint maintenance and repair testing (excluding volume test criteria) in Indiana); SBC Cottrell/Lawson Aff., Attach. C, at paras. 48-52 (indicating that SBC satisfied 98 percent of BearingPoint maintenance and repair testing (excluding volume test criteria) in Ohio); SBC Cottrell/Lawson Aff., Attach. D, at paras. 47-50 (indicating that SBC satisfied 100 percent of BearingPoint maintenance and repair testing (excluding volume test criteria) in Wisconsin). We reject OCC's general arguments that the issue of SBC's performance relative to the timeliness of maintenance and repair, among other issues, remains unresolved because the Ohio Commission relegated the resolution of some OSS functionality issues to performance plans. OCC Comments at 7-8. As we discuss above, we find that the testing of the performance data was sufficient. We also find, as we have in other section 271 applications, that the maintenance and repair functionality that SBC provides to competitive LECs is sufficient for a finding of checklist compliance. *See SBC California Order*, 17 FCC Rcd at 25694, para. 86.

[455] *See generally* PM 38 (Percent Missed Repair Commitments); PM 39 (Receipt to Clear Duration); PM 40 (Percent Out of Service Less Than 24 Hours); PM 67 (Mean Time to Restore). In Wisconsin, SBC met the parity standard for three of the five relevant months under PM 38-07 (Percent Missed Repair Commitments – UNE-P – Bus – Dispatch) (indicating misses in April and June with competitive LEC percentages of 8.22% and 9.80%, and SBC percentages of 4.21% and 5.45%). In Indiana, SBC met the 95% benchmark for three of the five relevant months under MI 14-05 (Percent Completion Notifications Returned w/in "X" Hours of Completion of Maintenance Trouble Ticket – UNE-P – Manual – Next Day)(only indicating misses in March and June with competitive LEC percentages of 91% and 88.05%). Also in Ohio, SBC met the 95% benchmark for three of the five relevant months under MI 14-05 (Percent Completion Notifications Returned w/in "X" Hours of Completion of Maintenance Trouble Ticket – UNE-P – Manual – Next Day)(only indicating misses in March and June with competitive LEC percentages of (continued....)

service to its own customers, with few exceptions. SBC generally met the relevant parity and benchmark standards regarding timeliness of maintenance and repair in all relevant states, with certain *de minimis* exceptions.[457]

112. SBC also generally met the relevant parity and benchmark standards regarding maintenance and repair quality in all relevant states, with a few exceptions described below. With respect to SBC's performance under measures of maintenance and repair quality, we note that although SBC missed the parity standard for at least three months under certain trouble report rate metrics in the relevant states,[458] the record indicates that in most cases the disparity between the trouble report rate for competitive LEC lines/circuits and SBC retail lines/circuits was minimal. We find that this small difference between wholesale and retail maintenance and repair quality is unlikely to have adversely affected competitive LECs in the affected states, given that competitive LEC trouble report rates under many of these measures are still low,[459] and that

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88.17% and 85.66%). We note that even under each of the metrics mentioned above for some of the states, SBC still met the parity or benchmark standard for the majority of months under consideration. We thus do not find the few misses observed to be competitively significant.

[456] *See generally* PM 37 (Trouble Report Rate); PM 37.1 (Trouble Report Rate Net of Installation and Repeat Reports); PM 41 (Percent Repeat Reports); PM 42 (percent trouble reports with no access); PM 53 (Percent Repeat Reports); PM 54 (Failure Frequency); PM 54.1 (Trouble Report Rate Net of Installation and Repeat Reports); PM 65 (Trouble Report Rate); PM 65.1 (Trouble Report Rate Net of Installation and Repeat Reports); PM 69 (Percent Repeat Reports).

[457] We note that SBC missed the 95% benchmark under PM MI 14-05 (Percent Completion Notifications Returned Within "X" Hours of Completion of Maintenance Trouble Ticket – UNE-P – Manual – Next Day) for three months in Illinois and Wisconsin. IL PM MI 14-05 (Percent Completion Notifications Returned Within "X" Hours of Completion of Maintenance Trouble Ticket – UNE-P – Manual – Next Day) (indicating that SBC missed the 95% benchmark in Illinois in March – 86.34%, April – 94.54%, and June – 86.04%); WI PM MI 14-05 (Percent Completion Notifications Returned Within "X" Hours of Completion of Maintenance Trouble Ticket – UNE-P – Manual – Next Day) (indicating that SBC missed the 95% benchmark in Wisconsin in March – 88.13%, April – 94.16%, and June – 85.94%). The record reflects, however, that SBC's performance is minimally deficient for one of the three months missed in each state, and in light of SBC's overall performance under measures of maintenance and repair timeliness, we find that these isolated misses, do not warrant a finding of checklist noncompliance.

[458] IL PM 37-01 (Trouble Report Rate – POTS – Res) (Trouble Reports/100 Lines) (indicating misses in March, April, May and June with competitive LEC rates of 2.73, 2.90, 3.47 and 2.73, and SBC rates of 2.13, 2.28, 2.72 and 2.25); IL PM 37-04 (Trouble Report Rate – UNE-P – Bus) (Trouble Reports/100 Lines) (indicating misses in April, May and July with competitive LEC rates of 0.77, 0.89, and 0.96, and SBC rates of 0.72, 0.81 and 0.85); IN PM 37-04 (Trouble Report Rate – UNE-P – Bus) (Trouble Reports/100 Lines) (indicating misses in March, April, May and July with competitive LEC rates of 0.98, 0.94, 1.08 and 1.82, and SBC rates of 0.77, 0.76, 0.88 and 1.01); OH PM 37-04 (Trouble Report Rate – UNE-P – Bus) (Trouble Reports/100 Lines) (indicating misses in March, April, May, June and July with competitive LEC rates of 1.08, 1.02, 1.02, 1.00 and 1.22, and SBC rates of 0.86, 0.85, 0.90, 0.85 and 1.05); WI PM 37-04 (Trouble Report Rate – UNE-P – Bus) (Trouble Reports/100 Lines) (indicating misses in April, May, June and July with competitive LEC rates of 0.74, 0.77, 0.61 and 0.76, and SBC rates of 0.54, 0.59, 0.51 and 0.59).

[459] *See* SBC Application App. A, Vol. 11, Tab 33, Affidavit of John J. Muhs (SBC Muhs Aff.) at para. 29 (arguing that even though performance under PM 37-01 and PM 37-04 falls short of parity, competitive LEC trouble report rates under these measures are low).

SBC's performance is generally sufficient across all other PM 37 (Trouble Report Rate) submeasures.[460]

f. Billing

113. We find that SBC has demonstrated that competing carriers have nondiscriminatory access to its billing systems in Indiana, Illinois, Ohio and Wisconsin. As the Commission has established in prior section 271 orders, a BOC seeking section 271 approval must demonstrate nondiscriminatory access to billing by showing that it provides two essential billing functions: (1) complete, accurate, and timely reports on the service usage of competing carriers' customers; and (2) complete, accurate, and timely wholesale bills.[461] These billing functions serve different purposes. Service-usage reports generally are issued to competitive LECs that purchase unbundled switching, and they measure the types and amounts of incumbent LEC services that a competitive LEC's end users use for a limited period of time.[462] In contrast, wholesale bills are issued to competitive LECs to collect compensation for the wholesale inputs, such as unbundled network elements, used by competitive LECs to provide service to their end users.[463]

(i) Service Usage Reports

114. We find that SBC complies with its obligation to provide complete, accurate, and timely reports on service usage in substantially the same time and manner that SBC provides such information to itself.[464] The record in this proceeding indicates that SBC provides competitive LECs with timely and accurate daily usage files (DUFs), which allow competitive LECs access to usage records, including end user, access, and interconnection records.[465] Based

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[460] *See* SBC Muhs Aff. at para. 30 (arguing that even though performance under PM 37-01 and PM 37-04 falls short of parity, performance under the PM 37.1 disaggregations of the same measures typically meets parity). SBC also suggests that the results under PM 37, measuring the number of trouble reports per 100 lines, may be skewed by the fact that the incumbent has a larger base of installed lines, and thus the ratio of orders to installed lines is likely to be significantly higher for wholesale than for retail service given parity of installation trouble reports. SBC Muhs Aff. at para. 31. Taking all of the evidence into consideration, we find that SBC's performance under PM 37 does not deprive competitive LECs a meaningful opportunity to compete.

[461] *Qwest Nine State Order*, 17 FCC Rcd at 26374, para. 115; *SBC California Order*, 17 FCC Rcd at 25696, para. 88.

[462] *SBC California Order*, 17 FCC Rcd at 25696, para. 88. These reports are usually generated for competitive carriers on a daily basis. *Id.*

[463] *Id.* These bills are usually generated for competitive carriers on a monthly basis, and allow competitors to monitor the cost of providing service.

[464] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6316-17, para. 163; *SWBT Texas Order*, 15 FCC Rcd at 18461, para. 210; *Bell Atlantic New York Order*, 15 FCC Rcd at 4075, para. 226.

[465] SBC Brown/Cottrell/Flynn Aff. at para. 17. Competitive LECs can use the DUFs to bill their end-user customers and bill interconnecting carriers. The DUF may be delivered electronically, or via magnetic (continued....)

on the record evidence, we therefore conclude that SBC's provision of service usage data through the DUF meets its obligations in this regard.[466]

(ii) Wholesale Bills

115. We find that SBC has demonstrated that it provides competitive LECs with wholesale bills in a manner that gives competing carriers a meaningful opportunity to compete, consistent with the obligations established in prior section 271 orders.[467] SBC has submitted evidence of its internal billing processes and procedures, successful third-party testing, and commercial billing performance to show that it provides complete, accurate, and timely wholesale bills. Moreover, in the *SBC Michigan II* proceeding, we found that SBC has substantially resolved the prior mismatch between certain UNE-P records in its retail and wholesale billing databases. Notwithstanding SBC's showing, competitive LECs have expressed a variety of concerns about the accuracy of SBC's wholesale bills, and the adequacy of its billing processes and procedures.[468] As discussed below, SBC responds by showing that it has internal processes to address problems expeditiously as they arise, and that where problems have occurred, they have quickly been addressed.[469]

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tape/cartridge, and competitive LECs have the option of receiving their DUF file on a daily basis. *Id. See also* SBC Brown/Cottrell/Flynn Aff. at paras. 25, 33; Appendices B-E. Although AT&T argues that E&Y's testing does not address whether SBC is generating accurate usage reports, AT&T does not challenge the results of BearingPoint testing. *See AT&T* Comments at 40; *see also* SBC Brown/Cottrell/Flynn Aff. at paras. 33, 160 (indicating that it was not necessary for E&Y to examine the DUF processes in light of the BearingPoint review and noting that one of the billing tests performed by BearingPoint was a Billing Functional Usage Evaluation (TVV 8) which examined SBC's ability to capture and deliver customer telephone usage records to competitive LECs in a complete, accurate and timely manner).

[466] We note that AT&T claims that SBC is sending usage records for customers that have disconnected their AT&T service. AT&T Comments at 36-37 (referring to claims raised in the Michigan proceeding). MCI also raises similar claims (discussed below) regarding apparent discrepancies between the usage records it receives, information in SBC's April 30th lines-in-service report, and SBC's bills. MCI Comments at 7-8. As we stated in the *SBC Michigan II Order*, AT&T identified only a few, isolated problems with SBC's DUF files, which we do not find to be competitively significant, in light of SBC's DUF metric performance and successful third-party tests. *See SBC Michigan II Order* at para. 114. We also find unpersuasive Forte's general claims that SBC sends incorrect UNE-P usage bills, because Forte does not provide any support or explanation for this assertion. Forte Comments at 12.

[467] *See Qwest Nine State Order*, 17 FCC Rcd at 26374, para. 115.

[468] Competitive carriers also raise concerns about the adequacy of SBC's resolution of the UNE-P records mismatch. Because we fully resolved this issue in the *SBC Michigan II* proceeding, we decline to readdress the issue here. *See SBC Michigan II Order* at paras. 104-108.

[469] In the *SBC Michigan II* proceeding, the Commission noted that one competitive LEC, Vartec, indicated it had "seen a marked improvement in the accuracy of [Michigan Bell's] bills" since January 2003, and that any billing problems it experienced did not appear to "constitute vast, systemic or procedural billing problems. These problems are discrete and independent occurrences in a very complex system." *See SBC Michigan II Order* at para. 88 (quoting *Letter* from Connie F. Mitchell, Chief Administrative Officer, VarTec Telecom, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-138 at 2 (filed July 14, 2003 in the *SBC* (continued....)